

1 *[Submitting Counsel on Signature Page]*

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 IN RE JUUL LABS, INC., MARKETING,
13 SALES PRACTICES, AND PRODUCTS
14 LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF FEE COMMITTEE'S
RECOMMENDATIONS**

15 This Document Relates to:

16 All Cases
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TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:

Please take notice that Plaintiffs will and hereby do move the Court, under Civil Local Rule 79-5, for an administrative order to seal select portions of the Fee Committee's Recommendations re: Fee and Expense Payments from JLI Settlements and associated declaration. Under Civil Local Rules 79-5 and 7-11(c), no hearing date has been set.

Material to Be Filed Under Seal

Plaintiffs seek to seal limited portions of the Fee Committee's recommendations that disclose certain terms of the JLI settlements. The material sought to be sealed is:

Document	Category	Location
Fee Committee Recommendations	Confidential settlement information	Page 5, lines 15-22
Fee Committee Recommendations	Confidential settlement information	Page 6, lines 16, 19-20
Fee Committee Recommendations	Confidential settlement information	Page 7, lines 1-5
Fee Committee Recommendations	Confidential settlement information	Page 8, lines 1-4
Fee Committee Recommendations	Confidential business information	Page 9, lines 13, 16
London Declaration	Confidential settlement information	Paragraph 17
London Declaration	Confidential settlement information	Paragraph 20
London Declaration	Confidential business information	Paragraph 34

Legal Standard. The fee allocation motion is a non-dispositive motion, meaning portions of it may be sealed upon a showing of "good cause." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006); *see also, e.g., In re Anthem, Inc. Data Breach Litig.*, No. 15-2617, 2018 WL 3067783, at *2 (N.D. Cal. Mar. 16, 2018) ("good cause standard" applied to "motion for attorneys' fees").

Settlement Information. The designated material should be sealed because it discloses certain terms of confidential settlements. Confidential settlement terms satisfy not only the "good cause" test, but even the more demanding "compelling reasons" standard. *See, e.g., Milliner v. Mut. Sec., Inc.*, No. 15-3354, 2021 WL 2645794, at *5 (N.D. Cal. June 28, 2021) ("Numerous courts in this district have recognized the importance of protecting confidential settlement communications and materials 'in order to promote settlement' and have concluded that this

1 general policy satisfies the more demanding ‘compelling reasons’ standard to seal judicial
 2 records.”) (citing cases); *Hefler v. Wells Fargo & Co.*, No. 16-05479, 2018 WL 4207245, at *7
 3 (N.D. Cal. Sept. 4, 2018) (finding compelling reasons to keep settlement agreement confidential
 4 in order to prevent third parties from utilizing it for an improper purpose).

5 **Business Information.** The information on Page 9 of the recommendations and Paragraph
 6 34 of the declaration reflects BrownGreer’s pricing estimates. There is good cause to seal
 7 business pricing information. *See, e.g., Ojmar US, LLC v. Sec. People, Inc.*, No. 16-4948, 2017
 8 WL 7726713, at *2 (N.D. Cal. Nov. 29, 2017) (finding that “specific pricing information”
 9 satisfied even “compelling reasons standard”).

10 As required by Civil Local Rule 79-5, the following attachments accompany this motion:

- 11 1. The unredacted Fee Committee Recommendations, with the portions sought to be
 12 redacted highlighted;
- 13 2. The unredacted Declaration of Sarah R. London in support of the
 14 Recommendation, with the portions sought to be redacted highlighted;
- 15 3. The Declaration of Sarah R. London in support of this motion; and
- 16 4. A proposed order granting this motion.

17 Dated: November 12, 2023

Respectfully submitted,

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 19 By: /s/ Sarah R. London

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Sarah R. London
Sarah R. London